



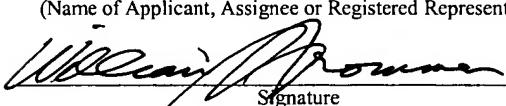
3621
PATENT
450100-03566

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Katzutaka ANDO et al.
Serial No. : 10/016,220
For : INFORMATION PROCESSING APPARATUS, INFORMATION PROCESSING METHOD, PROGRAM RECORDING MEDIUM, AND DATA RECORDING MEDIUM
Filed : October 30, 2001
Examiner : Jalatee Worjloh
Art Unit : 3621

745 Fifth Avenue
New York, NY 10151

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 8, 2004.

William S. Frommer, Reg. No.
(Name of Applicant, Assignee or Registered Representative)

Signature
December 8, 2004
Date of Signature

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is in response to the Office Action dated November 17, 2004, wherein restriction was required as follows:

Group I claims 1-25, 31, 32, 34, 35 and 37-40, directed to "an image enhancement apparatus;" and

Group II claims 26-30, 33 and 36, directed to "an image storage and retrieval apparatus using user identification."

Although the examiner grouped claims 34 and 35 in Group II, since claims 34 and 35 have been identified by the Examiner as being in Group I, we assume the Examiner intended to limit Group II to claims 26-30, 33 and 36.

Applicants elect, **with traverse**, Group I claims 1-25, 31, 32, 34, 35 and 37-40 for further prosecution in the present application.

It is submitted that a search for the invention defined by the Group I claims will require a search that encompasses the claims of Group II and, thus, all of the groups of claims of the instant application will be searched. Therefore, if the present requirement for restriction is maintained, the logical result will be the filing of a divisional application to include the claims encompassed by the non-elected group. Of course, this will mean that the examination of such claims will be delayed. However, since the search for the claims included in the divisional application will overlap with and, in all probability, be identical to the search that is to be conducted on the Group I claims elected herein, the primary effort needed to examine all applications will be repeated. Furthermore, it is likely that the same Examiner will be in charge of the divisional case; but in light of the delay between the prosecution of the present application and that of the divisional applications, the Examiner will have to conduct a duplicate, redundant search at a later time. Alternatively, if a different Examiner is assigned to the divisional application, a significant loss of PTO efficiency will result in his examination of that divisional

case. After all, the present Examiner will be the individual in the best position to examine all applications and he will be fully familiar with the subject matter of the divisional application.

Therefore, since the only logical outcome of the present restriction requirement would be to delay the examination of the claims included in Group II, resulting in inefficiencies on the part of the Office and unnecessary expenditures by Applicants, and since the single search can be done for all claims without any significant burden on the Office, the withdrawal of the instant restriction requirement and the examination on the merits of all of claims 1-40 are respectfully solicited.

Respectfully submitted,
FROMMER LAWRENCE & HAUG LLP

By:


William S. Frommer
Reg. No. 25,506
(212) 588-0800

WSF:lf



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745 Fifth Avenue
New York, NY 10151
Tel: 212-588-0800

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith is an amendment in the above-identified application.

No additional fee is required.
 The fee has been calculated as shown below.
 This is an application of a small entity under 37 CFR 1.9(f), and the amounts shown in parentheses apply.

Claims as Amended

(1)	(2) Claims remaining after amendment	(3)	(4) Highest number previously paid for	(5) Present extra	(6) Rate	(7) Additional Fee
Total claims	40	Minus	** =40	* 0 x	\$18 (9)	= \$ 0
Independent claims	10	Minus	*** =10	* 0 x	\$88 (44)	= \$ 0
Total additional fee for this amendment						\$ 0

* If the entry in Column 2 is less than the entry in Column 4, write "0" in Column 5.

** If the highest number of total claims previously paid for is less than 20, write "20" in this space.

*** If the highest number of independent claims previously paid for is less than 3, write "3" in this space.

This application contains a multiple dependent claim. The required fee of \$300(150) has been previously paid or is paid herewith .

This response is being filed within the _____ month following the expiration of the term originally set therefor. This is a petition to request a _____ month extension of time. A check covering the cost of the petition is enclosed.

A check in the amount of \$_____ is attached, which covers the cost of additional claims _____ petition for extension of time.

Charge \$_____ to Deposit Account No. 50-0320.

Please charge any additional fees incurred by reason of this response or credit any overpayment to Deposit Account No. 50-0320.

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William S. Frommer, Reg. No. 25,506

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP
Attorneys for Applicants

Name of Applicant, Assignee or Registered Representative
William S. Frommer
Signature
December 8, 2004
Date of Signature

By: William S. Frommer
William S. Frommer
Reg. No. 25,506
Tel: 212-588-0800